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Human resources management

Comprehensive guidelines for the use of consultants in the Secretariat

Report of the Secretary General

Summary

This report is submitted pursuant to General Assembly resolution 51/226 of 3 April 1997 and decision 52/475 of 31 March 1998, by which the Secretary-General was requested to prepare comprehensive policy guidelines on the terms of reference, selection, hiring and renewal of consultants.

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1. The present report is submitted in compliance with paragraph 4 of section VI of General Assembly resolution 51/226 of 3 April 1997, by which the Secretary-General was requested to prepare comprehensive policy guidelines on the terms of reference (including objectives, targets and output delivery dates), selection, hiring and renewal, and ensuring transparency and objectivity in the selection process, and to submit those guidelines to the Advisory Committee on Administrative and Budgetary Questions (ACABQ) for review before their consideration by the General Assembly at its fifty-second session.

2. In paragraph 3 of the same section of the resolution, the General Assembly requested the Secretary-General to ensure selection of consultants on a more competitive basis and to keep the instances of recourse to sole candidates to a strict minimum, each such case being formally approved at an appropriate level of authority, on an exceptional basis, prior to engagement. In paragraph 5 of the same section, the Assembly further requested the Secretary-General to revise the assessment form on consultants to make it more detailed and more clearly indicative of the quality of the consultant's work and his or her ability to undertake future assignments. In paragraph 6, the Assembly endorsed the recommendations made by the Board of Auditors in its report[1] and requested the Secretary-General to implement them.

3. In his report on the activities of the Office of Internal Oversight Services, dated 5 March 1998 (A/52/814), the Secretary-General transmitted to the General Assembly a report prepared by the Office on the audit of the use of consultants. The audit identified a number of internal control weaknesses and other shortcomings in connection with the engagement of consultants in 1996, representing a reoccurrence of the practices noted in previous audits by the Board of Auditors. The Office recommended inclusion of additional elements in the comprehensive policy guidelines, findings with which the Secretary-General concurred, while at the same time noting that measures were being taken or had been initiated to correct the issues addressed in the review.

4. The General Assembly, by decision 52/475 of 31 March 1998, decided to consider at its fifty-third session, as requested by the Assembly in paragraph 4 of section VI of its resolution 51/226, the report of the Office of Internal Oversight Services on the audit of the use of consultants in the context of its considerations of the comprehensive report of the Secretary-General on the engagement and use of consultants, under the agenda item entitled "Human resources management". The present report responds both to the concerns expressed by the Assembly and to the issues raised in the audit.

5. The guidelines address issues related to the engagement and use of consultants and are presented as an annex to this report.

Notes

[1] *Official Records of the General Assembly, Fifty-first Session, Supplement No. 5* (A/51/5), vol. I, sect. II, paras. 155-189.

Annex

Guidelines on the engagement and use of consultants

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I. Introduction

1. Recognizing the need to address existing shortcomings in the engagement and use of consultants, the following recommendations will be implemented within a delegation of authority intended to provide programme managers with the authority to make those decisions necessary to carry out effectively their work programme. This additional responsibility will be balanced by full accountability through monitoring and follow-up mechanisms.

II. Current general guidelines

2. The Secretary-General's bulletin of 19 November 1982 (ST/SGB/177) established policies for obtaining the services of individuals and outside expertise on behalf of the Organization. Administrative instructions on temporary staff and individual contractors (ST/AI/295); consultants and participants in advisory meetings (ST/AI/296); and technical cooperation personnel and operational executive and administrative services officers (ST/AI/297) set out detailed provisions for obtaining the respective type of expertise. In January 1985, an administrative instruction set out detailed provisions for obtaining the temporary services of institutional or corporate contractors (ST/AI/327).

III. Proposed definitions

3. The audit by the Office of Internal Oversight Services cited a lack of awareness on the part of a number of user departments of the difference between consultants and individual contractors, whether hired directly or through an institution or corporation. Although both types of expertise are hired on an intermittent or temporary basis under special service agreements, they differ in terms of the nature of the services they are to provide. The Office emphasized the need to distinguish between the two categories, not only by clearly defining each category separately but also by discontinuing the use of the umbrella term "special service agreement" for contracts to be issued to consultants and individual contractors.

4. In response to these observations, the following definitions of types of outside expertise are proposed:

(a) A consultant is an individual who is a recognized authority or specialist in a specific field, engaged by the United Nations under temporary contract in an advisory or consultative capacity to the Secretariat. A consultant must have special skills or knowledge not normally possessed by the regular staff of the Organization and for which there is no continuing need in the Secretariat. The functions of a consultant are results-oriented and normally involve analysing problems, directing seminars or training courses, preparing documents for conferences and meetings or writing reports on the matters within their area of expertise on which their advice or assistance is sought. A consultant may not perform functions of staff members of the Organization or be given any representative or supervisory responsibility;

(b) An individual contractor is an individual engaged by the Organization from time to time under temporary contract to provide expertise, skills or knowledge for the performance of a specific task or piece of work against payment of an all-inclusive fee. An individual contractor need not work on United Nations premises. The functions may involve full-time or part-time functions similar to those of staff members, such as provision of translation, editing, language training, public information, secretarial/clerical and part-time maintenance services, or other functions that could be performed by staff members;

(c) Participants in advisory meetings are individuals whose services are required as members in ad hoc expert groups, workshops, seminars and symposia. They are invited to participate by means of a letter which will give details of the meeting, the legal status and obligations. Participants in advisory meetings are not normally expected to provide any other services to the Organization than their contribution as participants in the meeting in question, but they may agree to contribute papers for consideration at the meeting at no cost.

Participants in advisory meetings are not dealt with in this report. However, any person who is invited to provide a written paper or other service in connection with the meeting, in addition to participation, for which a fee is paid by the United Nations will be treated as a *consultant* and engaged as such;

(d) Institutional contractors/corporate consultants are individuals or groups of individuals whose services are required temporarily by the Organization and obtained under a contract entered into directly with the institution by which they are employed or subcontracted. In such cases there is no contractual relationship between the individuals concerned and the United Nations. Their contracts are processed between the department or office concerned and Central Support Services of the Department of Management, in accordance with existing delegation of authority on procurement matters, and are not dealt with in this report.

IV. Responsibility of respective offices in the engagement of consultants and individual contractors

5. It is necessary for user offices to clearly distinguish the services required from consultants and individual contractors. The responsibility for matters of substance and decisions concerning selection of a consultant or individual contractor will be assigned to the programme manager. The Executive Office or Administrative Office at offices away from Headquarters will be responsible for processing the contracts in accordance with the financial rules and regulations. The Office of Human Resources Management will remain responsible for policy guidance, follow-up, monitoring and reporting.

Consultants

General principles

6. The basic principles which govern the use of consultants are as follows:

(a) A consultant should be contracted for assignments of a temporary nature and for tasks capable of being performed within a limited and specified period of time;

(b) The service to be performed should be one for which provision cannot be found within the staff resources of the Secretariat for lack of specialized knowledge and/or expertise;

(c) A consultant should be selected from among highly qualified candidates in their specific field of expertise, on the basis of a reasoned and documented process;

(d) The services to be performed must be clearly related to activities in the work programme of the department or office concerned and/or to a specific legislative or programming decision;

(e) The services should not duplicate work or activities already done, being done or about to be done by other individuals, departments or offices of the Secretariat;

(f) A consultant should not perform functions of staff members of the Organization or have any representative or supervisory responsibility;

(g) A consultant should be selected as the most competent person for the work from as wide a number of nationalities as possible, from a roster of qualified male and female candidates.

Terms of reference (work assignment)

7. The process of engaging a consultant should be carried out by the individual department or office, under the policy guidance established by the Office of Human Resources Management. Heads of departments and offices concerned will be responsible for preparation of detailed terms of reference for the engagement of a consultant and for timely submission of requests.

8. The work assignment for a consultant should cover all functions to be performed and should not include functions which have been assigned to staff members in the recent past or are intended to be so assigned in the near future. The head of office or department will be required to certify this condition as a prerequisite for the processing of requests and issuance of a contract.

9. The terms of reference of the work assignment must be clear and specific and include objectives and targets as well as tangible and measurable outputs of the work assignment. Realistic delivery dates and details as to how the work must be delivered (e.g., electronic submission, hard copy, what computer program should be used, etc.) should form an integral part of the contract. The terms of reference should also include performance indicators such as timeliness for evaluation of results.

Selection process

Establishment and use of a computerized candidate roster

10. To ensure that consultants are contracted in an objective, transparent and cost-effective manner, a central roster is being developed as part of the Integrated Management Information System (IMIS) to facilitate the identification of suitable candidates as consultants. The roster will be maintained on the basis of up-to-date skills data provided by user departments and/or their respective executive/administrative services. It is envisaged that it will include data regarding engagement dates, type of work, fees and evaluation of past work.

11. To ensure selection of consultants on a more competitive basis, departments and offices will be required to consider several qualified candidates for each assignment. In the rare cases of *force majeure*, a single candidate may be engaged on an exceptional basis, but a reasoned and documented justification should be recorded before his or her selection.

Verification of credentials, qualifications and experience

12. Lack of verification of the qualifications and experience of candidates for consultancies has been cited as a serious shortcoming in recent audits, and corrective actions were recommended. The guidelines require that, prior to issuance of a contract, the processing office must verify the academic and professional credentials of the candidate. Programme managers will be expected to submit contract proposals sufficiently in advance of starting dates to complete these verification requirements.

Use of former staff

13. Former staff members of the United Nations or of another organization of the common system who have separated from service at or after the age of 55 will only be engaged in accordance with existing policies concerning the use of retirees.

Geographical balance

14. The United Nations is a global organization which aims to select consultants from the widest possible geographical base. However, as recommended by the Office of Internal Oversight Services, the principle of geographical distribution should not be applied indiscriminately or without regard to other factors. For example, travel costs may have to be considered alongside geographical distribution so as to achieve economies through local and/or regional contracting.

Gender balance

15. Due regard for gender balance should be given in the selection of consultants.

Medical clearance

16. A consultant who is expected to work in any office of the Organization shall be required to submit a statement of good health prior to commencement of work and to take full responsibility for the accuracy of that statement, including confirmation that he or she has been informed regarding inoculations required for the country or countries to which travel is authorized.

Travel

17. Travel, if required, will be authorized on the basis of United Nations standards.

Contractual status

Type of contract

18. A consultant will be engaged under a consultant contract entered into by the Organization directly with an individual. The previously used special service agreement will be discontinued.

Duration of contract

19. A consultant will be required to perform specific, results-oriented functions within a prescribed time frame and in relation to the department's work plan. The time needed shall be directly linked to the task(s) included in the contract. No single task and consultant contract should exceed a period of six months without a formal evaluation of the work performed.

20. In order to limit the repeated use of the same consultant(s) either to perform different tasks within the work plan or a series of tasks within the same project, no consultant shall provide services on successive projects for more than 24 months in a 36-month period.

Legal status

21. Individuals engaged under a consultant contract will serve in a personal capacity and not as representatives of a Government or of any other authority external to the United Nations. They are neither "staff members" under the Staff Regulations of the United Nations nor "officials" for the purpose of the Convention of Privileges and Immunities of the United Nations (1946). They may, however, be given the status of "experts on mission" in the sense of section 22, article VI, of the Convention. If they are required to travel on behalf of the United Nations, they may be given a United Nations certificate in accordance with section 26, article VII, of the Convention.

Standards of conduct

22. A consultant will have the duty to respect the impartiality and independence of the United Nations Secretariat and shall neither seek nor accept instructions regarding the services performed under the consultant contract from any Government or other authority external to the Organization. During the period of his or her service for the United Nations, the consultant must refrain from any conduct that would adversely reflect on the United Nations and must not engage in any activity that is incompatible with the aims and objectives of the Organization.

23. A consultant will be required to exercise the utmost discretion in all matters relating to the performance of his

or her functions. Unless otherwise authorized by the appropriate official in the office concerned, the consultant may not communicate at any time to the media or to any institution, person, Government or other external authority any information that has not been made public and which has become known to him or her by reason of association with the United Nations. The consultant may not use such information without the written authorization of the Organization.

Remuneration

24. Persons engaged under a consultant contract will be paid at a daily, weekly or monthly rate or on a lump sum basis which represents the total value of the services to the Organization.

25. The Office of Human Resources Management will provide general policy guidance and a formula to determine rates for consultants, broadly based on the following elements:

(a) The level of gross salary – i.e., excluding post adjustment – for staff in the professional and higher categories;

(b) Levels of expertise and professional capacity, linked to grades in the salary scale;

(c) Special circumstances, including hardship involved in the performance of the work assignment.

26. When necessary, in order to obtain the expertise required and where the market rates for highly specialized and technical services exceed the remuneration levels referred to above, a supplementary amount may be authorized by the Office of Human Resources Management for consultancies. A fully documented justification must be recorded in such exceptional cases.

27. The remuneration to be paid shall be the minimum amount necessary to obtain the services required by the Organization. For the consultant who will need to travel to perform his or her assignment, an amount equivalent to the applicable daily subsistence allowance established by the United Nations would be added.

28. The total remuneration payable to a consultant by the United Nations should be specified in the consultant contract in terms of gross amounts. The payment of any taxes will be the sole responsibility of the consultant, who shall not be entitled to reimbursement by the United Nations of any taxes he or she may be required to pay or to any other benefits, payments or subsidies, except as expressly stated in the contract. The United Nations will not bear any responsibility for medical or life insurance for the consultant.

29. Payment of fees to a consultant would normally take place upon satisfactory completion of his or her contract. No payment should be made if the consultant fails to complete the service specified in the contract to the satisfaction of the United Nations. In the event that the service is carried out partially, a determination would be made as to what amount, if any, would be payable, based on that part of the work completed.

Currency of payment

30. The currency of payment should be clearly specified in the contract.

Performance evaluation

31. The performance of all consultants should be evaluated, and a summary rating will be recorded in a central roster maintained by the Office of Human Resources Management as a reference for consideration of future consultant contracts. The evaluation should measure the quality of the work performed and take into account the goals established in the terms of reference, as well as compliance with contracted delivery dates. A targeted and detailed response with respect to the quality of performance and the results would be required from the evaluating officer. If goals have not been met satisfactorily, no further contracts would be granted to the consultant.

Termination of contract

32. Unsatisfactory performance or failure to conform to the standards of conduct set out above will lead to termination of service for cause, at the initiative of the United Nations.

Individual contractors

33. The foregoing provisions will apply in the case of individual contractors, except as outlined below.

General principles

34. An individual contractor should be contracted for assignments of a temporary nature and for tasks to be performed within a specified period of time.

35. An individual contractor performs functions similar to those of staff members but will not be considered as a

staff member under the Staff Regulations of the United Nations.

36. An individual contractor should be selected from qualified candidates in their specific field of expertise on the basis of a reasoned and documented process.

Type of contract

37. An individual contractor will be engaged under a contract for individual contractor entered into by the Organization directly with the individual. Use of the special service agreement will be discontinued.

Remuneration

38. The provisions of paragraphs 24-29 will apply. However, the fees of individual contractors may also be linked to the salary scales for locally recruited United Nations staff at each duty station, as appropriate. An individual contractor engaged to perform language functions would be paid in accordance with an agreed rate based on unit costs applicable to such work.

Duration of contract

39. The services of an individual contractor should be limited to six or, in special circumstances, nine work months in any period of 12 consecutive months. However, duration would not be a factor for individual contractors engaged to perform language functions on a unit-cost basis, as referred to in paragraph 38 above.

V. Information management

40. The General Assembly, in paragraph 7 of section VI of resolution 51/226, endorsed the recommendation of ACABQ that the Secretariat resume the past practice of submitting, on a biennial basis and in conjunction with the report requested by the Committee on the hiring of retired staff, a report on the hiring and use of consultants which will include information on nationality, gender, fees, duration of contract, brief terms of reference and performance rating. To record data on consultants and individual contractors in a uniform manner, the Office of Human Resources Management will collect and maintain discrete data on a global basis in IMIS for these contracts, for reporting and monitoring purposes.